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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,086	01/07/2004	Scott Fladhammer	053990-0041	5420
20572	7590	01/31/2006	EXAMINER	
GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,086

Applicant(s)

FLADHAMMER, SCOTT

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-13, 15-19, 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. (U.S. Patent 5,165,775) in view of Burton (U.S. Patent 6,773,153).

Regarding claim 1, Lisak et al. discloses a housing (lower portion of Fig. 1), a gear (reference number 34) positioned at least partially inside the housing (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the housing (Fig. 3), and at least one tang (reference number 53) positioned outside the housing (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15). Lisak et al. does not disclose the tang being located on and extending outside the housing.

Burton discloses at least one tang positioned on an extending outside the housing (column 5, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to

provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Concerning claim 2, Lisak et al. discloses the at least one tang (reference number 53) having at least one projection (Fig. 2).

Regarding claim 4, Lisak et al. discloses the housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft results in rotation of the gear and movement of the control rod (Fig. 2).

Concerning claim 5, Lisak et al. discloses the housing having a nose (Fig. 3, right-most portion of the housing).

Concerning claim 6, Lisak et al. does not disclose the tang being positioned on the nose. Burton discloses the tang (reference number 116) being positioned on the nose (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Regarding claim 7, Lisak et al. discloses the gear (reference number 34) having an extension (right-most portion of gear 34, Fig. 3) that extends into the nose of the housing (Fig. 3).

Concerning claim 8, Lisak et al. discloses the control rod (reference number 16) having a portion positioned inside the extension of the gear (Fig. 3, right) and the

extension of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2, see inside the gear on the right).

Regarding claim 9, Lisak et al. discloses the housing having an opening (Fig. 2, reference number 84) and the control rod (reference number 16) is positioned in the opening (Fig. 3, right).

Concerning claim 10, Lisak et al. discloses the at least one tang (reference number 53) being positioned outside the opening (Fig. 2).

Regarding claim 11, Lisak et al. discloses the gear (reference number 34) having an interior (Fig. 2), the control rod having a portion positioned inside the interior of the gear (Fig. 2) and the interior of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2).

Regarding claim 12, Lisak et al. does not disclose a lamp as described in the claim. Burton discloses a lamp housing (Fig. 13) on which the housing (Fig. 13, bottom right) is mounted (Fig. 13), and a reflector (reference number 38) pivotably engaged to the lamp housing (Fig. 13) and the control rod (reference number 24) such that movement of the control rod causes the reflector to move with respect to the lamp housing (Fig. 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Concerning claim 13, Lisak et al. discloses a housing (lower portion of Fig. 1), a gear (reference number 34) positioned at least partially inside the housing (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the housing (Fig. 3), and at least one tang (reference number 53) positioned outside the housing (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15). Lisak et al. does not disclose a lamp housing, a reflector or a tang positioned on and extending outside a housing.

Burton discloses a lamp housing (Fig. 13), a reflector (reference number 38) pivotably engaged to the lamp housing (Fig. 13) and the adjuster being engaged to the lamp housing and the reflector (Fig. 13) such that movement of the control rod (reference number 24) causes the reflector to move with respect to the lamp housing (Fig. 13) and at least one tang positioned on an extending outside the housing (column 5, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Regarding claim 15, Lisak et al. discloses the housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft

Art Unit: 2875

results in rotation of the gear and movement of the control rod (Fig. 2) and movement of the lamp (abstract).

Concerning claim 16, Lisak et al. does not disclose a lens. Burton discloses the lamp housing (Fig. 13) having a lens (reference number 44) mounted thereto (Fig. 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Regarding claim 17, Lisak et al. discloses a gear (reference number 34) positioned at least partially inside the adjuster portion (Fig. 3), a control rod (reference number 16) functionally engaged by the gear (Fig. 3) and extending from the adjuster portion (Fig. 3) and at least one tang (reference number 53) positioned outside the adjuster portion (Fig. 2) so that the at least one tang functionally engages the control rod and prevents rotation thereof such that rotation of the gear results in non-rotational linear movement of the control rod (Fig. 2 and column 4 in lines 5-15). Lisak et al. does not disclose a lamp housing or a tang positioned on and extending outside a housing.

Burton discloses a lamp housing (Fig. 13) having an adjuster portion (Fig. 13, bottom right) and at least one tang positioned on an extending outside the housing (column 5, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to

Art Unit: 2875

provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Concerning claim 18, Lisak et al. does not disclose a reflector. Burton discloses a reflector (reference number 38) pivotably mounted within the lamp housing (Fig. 13) and connected to the control rod (reference number 24) such that movement of the control rod causes the reflector to move with respect to the lamp housing (Fig. 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Concerning claim 19, Lisak et al. does not disclose a lens. Burton discloses the lamp housing (Fig. 13) having a lens (reference number 44) mounted thereto (Fig. 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Regarding claim 21, Lisak et al. discloses the adjuster portion of the lamp housing having a mating input shaft (reference number 66) such that an input shaft (reference number 18) inserted into the mating input shaft functionally engages the gear and actuation of the input shaft results in rotation of the gear and movement of the control rod (Fig. 2).

Concerning claim 22, Lisak et al. discloses the housing of the adjuster portion having a nose (Fig. 3, right-most portion of the housing).

Concerning claim 23, Lisak et al. does not disclose the tang being positioned on the nose. Burton discloses the tang (reference number 116) being positioned on the nose of the adjuster portion (Fig.3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Burton in the apparatus of Lisak et al. to provide an apparatus that "is not subject to stripping or over-adjustment" (column 2, line 40, of Burton).

Regarding claim 24, Lisak et al. discloses the gear (reference number 34) having an extension (right-most portion of gear 34, Fig. 3) that extends into the nose (Fig. 3).

Concerning claim 25, Lisak et al. discloses the control rod (reference number 16) having a portion positioned inside the extension of the gear (Fig. 3, right) and the extension of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2, see inside the gear on the right).

Regarding claim 26, Lisak et al. discloses the housing having an opening (Fig. 2, reference number 84) and the control rod (reference number 16) is positioned in the opening (Fig. 3, right).

Concerning claim 27, Lisak et al. discloses the at least one tang (reference number 53) being positioned outside the opening (Fig. 2).

Regarding claim 28, Lisak et al. discloses the gear (reference number 34) having an interior (Fig. 2), the control rod having a portion positioned inside the interior of the

gear (Fig. 2) and the interior of the gear and the portion of the control rod positioned therein are counter-threaded (Fig. 2).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. in view of Burton as applied to claims 2 and 5 and further in view of Schmitt (U.S. Patent 5,309,780).

Regarding claim 3, Lisak et al. and Burton do not disclose a groove. Schmitt discloses the control rod (reference number 30) having at least one groove (Fig. 3) corresponding to the at least one projection (reference number 70, Fig. 5) such that the at least one projection functionally engages the groove thereby preventing rotation of the control rod (column 5, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. and Burton to "reduce the cost of the mechanism" See column 3, line 36, of Schmitt.

4. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisak et al. in view of Burton as applied to claims 13 and 17 above, and further in view of Schmitt.

Regarding claims 14 and 20, Lisak et al. and Burton do not disclose a groove. Schmitt discloses the control rod (reference number 30) having at least one groove (Fig. 3) corresponding to the at least one projection (reference number 70, Fig. 5) such that

the at least one projection functionally engages the groove thereby preventing rotation of the control rod (column 5, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Schmitt in the apparatus of Lisak et al. and Burton to "reduce the cost of the mechanism" See column 3, line 36, of Schmitt.

Response to Arguments

5. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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